

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-269

May 13, 1998

ROBERT SAURINE V. TIDEWATER
TELEPHONE COMPANY, Appeal of
Decision of Consumer Assistance
Division dated March 25, 1998

ORDER ON APPEAL

WELCH, Chairman; NUGENT and HUNT, Commissioners

I. SUMMARY

This matter involves an appeal by Robert Saurine of a decision by the Commission's Consumer Assistance Division (CAD) finding that Tidewater Telephone Company (Tidewater) had properly billed Mr. Saurine for toll services associated with his Internet use and that Tidewater had adequately ensured that no person was "tapping" Mr. Saurine's telephone line. We conclude that CAD's decision was reasonable, we will not investigate this matter further and dismiss Mr. Saurine's appeal.

II. BACKGROUND

On February 5, 1998, Mr. Saurine contacted CAD concerning toll charges on his January and February bills. Mr. Saurine alleged that although his Internet service, America On Line (AOL), did not begin until December 7, 1997, his January bill from Tidewater indicated that calls were made on December 5th and 6th. Mr. Saurine also related conversations he had with AOL personnel regarding breaches of his on-line security and his own concerns about some unknown third-party tapping his phone line. Mr. Saurine then alleged that calls were made to long-distance numbers without his permission and that the amount of hours billed to him for on-line service are "impossible." Mr. Saurine alleges that his computer was checked by Dell computers and that "there is nothing wrong" with his system.

Mr. Saurine contacted his local service provider, Tidewater, and requested that they look into the problem. Tidewater tested Mr. Saurine's line by sending a high voltage current through the phone line. After the test, Tidewater personnel informed Mr. Saurine that they were sure nobody was tapping his line. Tidewater personnel also had several conversations with Mr. Saurine explaining how the toll charges may have been incurred. (Mr. Saurine's modem may have automatically forwarded his calls to another location due to Mr. Saurine's default setup on his computer).

On March 26, 1998, CAD issued a decision finding that Mr. Saurine was responsible for the toll charges incurred while he was on-line with his Internet provider and that the test conducted by Tidewater to determine if someone was tapping Mr. Saurine's line was both safe and accurate.

III. DECISION

Mr. Saurine's letter of appeal raises six issues. First, Mr. Saurine points out that CAD's decision mentions 50 hours of free service from AOL but this fact does not appear anywhere in his complaint. Mr. Saurine's complaint, however, did state that he used several start-up disks from AOL which provided free on-line time. Because this point is irrelevant to the main issues of toll charges and line tapping, no further discussion is warranted.

Second, Mr. Saurine points out that his original complaint alleged that Tidewater began billing him before his service with AOL was initiated. Given the statements in Mr. Saurine's complaint regarding the use of multiple disks to initiate service and Tidewater's assurance that nobody was tapping Mr. Saurine's line, the fact remains that the calls were initiated from his home and thus, he is responsible for the charges.

Third, Mr. Saurine claims that the Commission should not rely upon Tidewater's assurance that it had not committed any billing errors on his account. We find that Tidewater adequately investigated Mr. Saurine's complaint and are satisfied that the calls were made by Mr. Saurine and that he is responsible for them.

Fourth, Mr. Saurine challenges the thoroughness of Tidewater's testing to determine whether his line was tapped. Mr. Saurine makes many statements regarding changes in passwords and AOL security; these are areas over which neither we nor Tidewater have any control. We agree with CAD's determination that Tidewater's test was both accurate and safe.

Fifth, Mr. Saurine expressed dissatisfaction with the extent and adequacy of the investigation conducted by the CAD specialist assigned to this case. We find that the specialist, Ms. Thornton, followed standard CAD procedures and based her decision upon the complete factual record, not just Mr. Saurine's version of the facts. We find that Ms. Thornton's decision was reasonable.

Finally, Mr. Saurine makes several vague statements regarding the telephone company tampering with evidence relating

to his line being tapped. Again, we find there is no evidence in the record to support Mr. Saurine's claim that his line was tapped and accordingly do not believe any further investigation is warranted.

Accordingly, we

O R D E R

that the appeal of Robert Saurine be DISMISSED.

Dated at Augusta, Maine this 13th day of May, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

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